



Arizona State Board of Pharmacy

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**THE ARIZONA STATE BOARD OF PHARMACY
HELD A REGULAR MEETING JULY 9 AND 10, 2008
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR REGULAR MEETING

AGENDA ITEM 1 – Call to Order – July 9, 2008

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: President Zina Berry, Vice President Dennis McAllister, Joanne Galindo, Steven Haiber, Dan Milovich, Ridge Smidt, and Tom Van Hassel. The following Board Members were not present: Louanne Honeyestewa and Paul Sypherd. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, Ed Hunter, Sandra Sutcliffe, and Dean Wright, Drug Inspector Heather Lathim, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Nancy Beck.

Ms. Frush explained that law continuing education would be offered for attendance at the meeting.

AGENDA ITEM 2 – Declaration of Conflicts of Interest

Due to a conflict of interest, Dr. Berry recused herself from participating in the review, discussion, and proposed action concerning Agenda Item 8, Schedule D, Conferences for Complaint #3431, Complaint #3509, and Complaint #3500.

AGENDA ITEM 3 – Approval of Minutes

Following a review of the minutes and an opportunity for questions and **on motion by Mr. Van Hassel and seconded by Mr. Haiber**, the minutes of the Regular Meeting held on May 14 and 15, 2008 were unanimously approved by the Board Members.

AGENDA ITEM 4 – Permits and Licenses

President Berry stated that all permits were in order for resident pharmacies and representatives were present to answer questions from Board members.

Patty's Pharmacy

Owner and Pharmacist in Charge Patricia Wilke was present to answer Board Member's questions.

President Berry opened the discussion by asking Ms. Wilke to describe the nature of her business.

Ms. Wilke stated that she would be opening a community retail pharmacy and would specialize in nutritional enhancements.

Dr. Berry asked Ms. Wilke to describe her customer base. Ms. Wilke stated that she has a following of customers that she currently assists and an opportunity to open a pharmacy presented itself to her and she is acting upon the opportunity to open this pharmacy.

Dr. Berry asked Ms. Wilke if the pharmacy would be a full service retail pharmacy with nutritional supplements. Ms. Wilke replied yes.

Dr. Berry asked Ms. Wilke if she would be filling any internet or mail prescriptions. Ms. Wilke replied no.

Mr. Wand asked Ms. Wilke if she would be doing any compounding. Ms. Wilke stated that initially she is not planning on compounding, but in the future might compound veterinary prescriptions.

Arizona Regional Medical Center

Pharmacy Director Bill Ng and CEO Dr. Pam Marr were present to answer Board Member's questions.

President Berry opened the discussion by asking the applicants to describe their business plan for the hospital. Mr. Ng stated that the new owner group plans to re-open the old Mesa General Hospital located in Mesa.

Dr. Berry asked Mr. Ng what services the pharmacy would provide and if the pharmacy is currently operational. Mr. Ng replied that the pharmacy would be a full-service pharmacy. Mr. Ng stated that they would be making some changes in the pharmacy. Mr. Ng stated that they are looking at alternatives for the design of the 797 room or possibly the use of an isolated hood.

Dr. Berry asked Mr. Ng if the pharmacy would be utilizing a computer system for processing the hospital orders. Mr. Ng stated that they are in the process of negotiating for a computer system that would be tied into the hospital system.

Mr. Van Hassel asked Mr. Ng what would be the hours of operation of the pharmacy. Mr. Ng stated that the pharmacy would be open during the day with a pharmacist on call after the pharmacy closes.

Mr. Van Hassel asked how many employees would be employed by the pharmacy. Mr. Ng stated that at this time he is not sure how many employees they would eventually employ because the number of employees would be based on the patient load.

Mr. Van Hassel asked Mr. Ng if they would be joint commission certified. Mr. Ng replied yes.

Mr. Van Hassel asked Mr. Ng if the pharmacy would be handling the supplies and equipment for IV administrations or would an IV department be handling the supplies and equipment. Mr. Ng stated that the IV supplies would probably be handled by the central supply department.

Mr. Van Hassel asked the applicants how many beds they anticipate having in the hospital. Dr. Marr stated that they anticipate being licensed for 106 beds.

Mr. Van Hassel asked Mr. Ng if he plans on hiring Pharmacy Technicians to assist in the pharmacy. Mr. Ng stated that he is planning to hire three certified technicians.

Mr. Milovich asked Mr. Ng if they plan to make any modifications to the current pharmacy in the hospital. Mr. Ng stated that they plan to remodel the clean room and build an ante room.

Mr. Milovich asked if they anticipate filling outpatient prescriptions. Mr. Ng replied no.

Mr. Van Hassel asked Mr. Ng if he has experience as a hospital pharmacist. Mr. Ng stated that he has extensive experience as a hospital pharmacist and director. Mr. Ng stated that he has worked at several valley hospitals in different capacities. Mr. Van Hassel stated that he asked the question because he wanted the records to reflect that Mr. Ng has hospital experience.

Escalante Solutions – Phoenix

The following individuals were present to answer Board Member's questions: Paul Abbott – General Manager of the California mail order facility, Chuck Hall – Pharmacist in Charge of the California mail order facility, and Steven Lerch – Newly appointed Pharmacist in Charge of the Phoenix mail order facility.

President Berry opened the discussion by asking the applicants to describe the nature of their business.

Mr. Lerch opened the discussion by stating that the new mail order facility is a division of Longs Drug Stores. Mr. Lerch stated that this will be the second mail order facility operated by Longs. Mr. Lerch stated that the first mail order facility is located in Sacramento, California. Mr. Lerch stated that they would be providing mail order services to patients in all 50 states. Mr. Lerch stated that they would not be doing any compounding at the facility.

Dr. Berry asked if they would be filling any internet prescriptions. Mr. Abbott replied no, but they do receive prescriptions electronically.

Mr. Van Hassel asked how many pharmacists would be employed at the mail order facility. Mr. Lerch stated that they would initially hire 6 pharmacists and approximately 10 to 20 pharmacy technicians. Mr. Lerch stated that they would hire additional employees as the business increases.

Mr. Van Hassel asked what they project as their anticipated prescription volume. Mr. Abbott stated that they plan to dispense 10,000 to 11,000 prescriptions daily.

Mr. Van Hassel asked if this facility would also be a refill facility for the retail stores like the California facility. Mr. Abbott replied that the Phoenix facility would fill only mail order prescriptions.

Dr. Smidt asked why they decided to open their second facility in Arizona. Mr. Abbott stated that there is a lot of talent in Arizona because of the number of mail order facilities. Mr. Abbott stated that this is a good mailing state and it is a great climate.

Dr. Smidt asked if there are difficulties in storing medications and refrigerated products due to the heat in Arizona. Mr. Abbott stated that they have alarm systems in place that monitor the temperature of their refrigerated units. Mr. Abbott stated that they mail their products in refrigerated mailing boxes with appropriate ice packets when required. Mr. Lerch stated that the cold products are mailed to the patients with expedited shipping and the patient would receive the package in 1 to 2 days. Mr. Lerch stated that the ice packs in the packages are good for 72 hours.

Dr. Smidt asked what happens to the medication if the product is mailed to the patient and is undeliverable and returned to the pharmacy. Mr. Lerch stated that the product is not reused.

Mr. Van Hassel asked when they plan on opening the facility. Mr. Abbott replied mid-October.

Dr. Smidt asked that the disposition of undeliverable medications in mail order facilities be placed on a future agenda as a topic of discussion.

At the conclusion of questions from the Board Members and **on motion by Mr. Haiber and seconded by Dr. Smidt**, the Board unanimously approved the resident permits listed below. All approvals are subject to final inspection by a Board Compliance Officer where appropriate.

RESIDENT (In Arizona)

Pharmacy	Location	Owner
Walgreens Pharmacy #11116	21212 E. Ocotillo Rd., Queen Creek, AZ 85242	Walgreen Arizona Drug Co.
Bashas' United Drug #169	2075 N. Pebblecreek Pwky Goodyear, AZ 85395	Bashas' Inc.
Arizona Regional Medical Center	515 N. Mesa Dr., Mesa, AZ 85201 (O)	Apache Junction Hospital
Wal-Mart Pharmacy #10-4293	2435 E. Baseline Rd., Phoenix, AZ 85042	Wal-Mart Stores, Inc.
Spring Valley Pharmacy	17301 E. Spring Valley Rd. #B, Mayer, AZ 86333 (O)	Richardson Pharmacy Group LLC
Banner Del Webb Medical Center	14502 W. Meeker Blvd., Sun City West, AZ 85375 (O)	Banner Health
Banner Boswell Medical Center	10401 W. Thunderbird Rd., Sun City, AZ 85351 (O)	Banner Health
Wal-Mart Pharmacy #10-3379	2150 E. Tangerine Rd., Oro Valley, AZ 85755	Wal-Mart Stores, Inc.
Patty's Pharmacy	2090 Old Highway 66, Winslow, AZ 86047	Patricia Wilke
Walgreens Pharmacy #11181	5975 W. Ray Rd., Chandler, AZ 85226	Walgreen Arizona Drug Co.
Walgreens Pharmacy #10241	28516 N. El Mirage Rd., Peoria, AZ 85383	Walgreen Arizona Drug Co.
Escalante Solutions - Phoenix	2115 S. 11 th Ave., Ste 130, Phoenix, AZ 85007	Escalante Solutions, LLC
Wal-Mart Pharmacy #10-4977	5757 East State Rt 69, Prescott Valley, AZ 86314	Wal-Mart Stores, Inc.

(O) = Ownership Change

Non-Resident Permits

President Berry stated that all permits were in order for non- resident pharmacies.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously approved the non-resident permits listed below.

NON-RESIDENT (Out of State)

Pharmacy	Location	Owner
Soderlund Village Drug	201 S. 3 rd St., St. Peter, MN 56082	Soderlund Village Drug
Contract Pharmacy Services, Inc.	4465 Northpark Drive Ste 303, Colorado Springs, CO 80907	Contract Pharmacy Services, Inc.
Post Haste Pharmacy	4401 Sheridan St., Hollywood, FL 33021	Lato Drug Co., Inc.
CVS Caremark #1638	620 Epsilon Dr., Pittsburgh, PA 15238 (O)	Express Pharmacy Services of PA., LLC

Biomed Pharmaceuticals	950 Calcon Hook Rd., Ste. 15, Sharon Hill, PA 19079 (O)	Biomed, PA, Inc.
Concept Pharmaceuticals, LLC	1460 Ann Street, Montgomery, AL 36107 (O)	Health Extras, Inc.
General Home Pharmacy	735 Lakefield Rd, Ste D, Westlake Village, CA 91361	Kambiz Yadidi
Remedi Seniorcare of Ohio	8264 W. State Route 41, Covington, OH 45318 (O)	Healthcare Pharmacy, Inc.
LDI Integrated Pharmacy Services	680 Craig Rd., Suite 200, Creve Coeur, MO 63141 (O)	LDI Integrated Pharmacy Services
Advanced Care Scripts, Inc	2400 Lake Orange Dr., Orlando, FL 32837 (O)	Advance Care Scripts, Inc.
Healthwarehouse.com	100 Commerce Blvd, Loveland, OH 45140	Healthwarehouse.com
Accredo Health Group, Inc.	1831 Commerce St., Suite 104, Corona, CA 92880	Accredo Health Group, Inc.
AxelaCare Health Solutions, LLC	9858 Pflumm Rd., Lenexa, KS 66215	Axelacare Health Solutions, LLC
Sav-Rx Pharmacy	224 North Park Ave., Fremont, NE 68025	A&A Drug Company
El Rey Rx, Inc.	5310 Whittier Blvd., Los Angeles, CA 90022	El Rey, Rx, Inc.
New York Rx, Inc	875 3 rd Avenue M-105, New York, NY 10022	New York Rx, Inc

(O) = Ownership Change

Wholesaler Permits

President Berry stated that all permits were in order for resident wholesalers and representatives were present to answer questions from Board members.

Camelback Medical Inc.

Owner Steven Henley was present to answer questions from Board Members.

President Berry opened the discussion by asking Mr. Henley what types of medications he would be wholesaling.

Mr. Henley stated that he would be carrying a full range of medications.

Dr. Berry asked Mr. Henley to whom he would be selling the medications. Mr. Henley stated that he plans to wholesale to physicians.

Dr. Berry asked Mr. Henley if he had previous experience as a wholesaler. Mr. Henley replied yes that he owned and operated a wholesale business called J-Med.

Mr. Milovich asked about the size of the space because he felt the space was too small. Mr. Henley stated that currently this is his office space.

Mr. Milovich asked if the plan submitted was the site he planned to use for his wholesale business. Mr. Henley stated that he drew the plan to show where he would store the medication if he used his office space, but he plans to move to a location in Tempe.

Mr. Haiber asked if Mr. Henley would have to return to the Board if he changes locations. Mr. Wand stated that there are no size requirements for wholesalers. Mr. Wand stated that if Mr. Henley changes locations for his wholesale business he must submit a change of location form to the Board and the new site must be inspected prior to conducting business at the site.

Mr. Wand asked Mr. Henley if he planned to wholesale controlled substances. Mr. Henley replied no.

Mr. Haiber asked Mr. Henley if he planned to stock refrigerated products. Mr. Henley replied yes.

Dr. Smidt asked Mr. Henley from whom he was going to purchase the products. Mr. Henley stated that he would be securing the products from the manufacturers and from wholesalers.

Dr. Smidt asked Mr. Henley if he is aware of the pedigree regulations. Mr. Henley stated that he is familiar with the pedigree regulations.

Dr. Smidt asked Mr. Henley to give him some examples of the products he would be carrying. Mr. Henley stated that he would be carrying products, such as Zofran and Rocephin.

Mr. Milovich asked Mr. Henley if he planned to sell to other wholesalers. Mr. Henley replied no.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board approved the resident wholesale permits listed below. All permits are subject to final inspection by a Board Compliance Officer where appropriate.

WHOLESALER	LOCATION	OWNER
United Blood Services	16671 N. 84 th Ave., Suite 170, Peoria, AZ 85382	Blood Systems, Inc.
Sunrise Dollar Wholesale	3840 W. Indian School Rd., Phoenix, AZ 85019	Chi M Le
General Nutrition Distribution, LP	1002 S. 63 rd Ave., Phoenix, AZ 85043	General Nutrition Distribution, LP
Camelback Medical Inc.	2942 N. 24 th St. #211, Phoenix, AZ 85016	Steven Henley

Pharmacists, Interns, Pharmacy Technicians, and Pharmacy Technician Trainees

President Berry stated that all license requests and applications were in order.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously approved the Pharmacists licenses listed on the attachments.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously approved the Intern licenses listed on the attachments.

On motion by Mr. Haiber and seconded by Mr. McAllister, the Board unanimously approved the Pharmacy Technician and Pharmacy Technician Trainee applications listed on the attachments excluding the technician trainee that had applied for the third time.

AGENDA ITEM 5 – Special Requests

#1 David Martinez

David Martinez appeared on his own behalf to request that the Board terminate his suspension and impose probation per Board Order 08-0020-PHR. Lisa Yates from the PAPA program was also present to speak on behalf of Mr. Martinez.

President Berry opened the discussion by asking Mr. Martinez to describe the nature of his request.

Mr. Martinez stated that he would like the Board to terminate the suspension on his license and impose probation.

Dr. Berry asked Ms. Yates if PAPA supports his request. Ms. Yates stated that Mr. Martinez is compliant with his PAPA contract. Ms. Yates stated that Mr. Martinez received a scholarship from PAPA to attend the Utah school. Ms. Yates stated that the Board should have received two letters of support for Mr. Martinez. Ms. Yates stated that one letter is from his PAPA counselor and the other letter is from his sponsor.

Dr. Berry asked Mr. Martinez what has changed in his life. Mr. Martinez stated that in addition to his PAPA counseling he attends 5 NA meetings a week. Mr. Martinez stated that he feels that he is a much better person today.

Mr. Milovich asked Mr. Martinez what he learned at the Utah school. Mr. Martinez stated that it opened his eyes to the problems of addiction and there are many professionals that have been addicted and have solved their problems and returned to practice. Mr. Martinez stated that he feels that he is ready to return to practice.

Mr. Milovich asked Mr. Martinez how long he attended the Utah school. Mr. Martinez stated that he was there for 5 days.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to approve the request by Mr. Martinez to terminate the suspension of his pharmacist license and impose probation per Board Order 08-0020-PHR. A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Mr. McAllister – aye, Dr. Berry – aye)

#2 Angelica Cortes

Angelica Cortes had requested to appear before the Board to terminate her probation. Ms. Cortes notified the Board due to circumstances she was unable to attend the meeting.

Mr. Wand asked Ms. Beck if the Board could consider the request. Ms. Beck stated that the Board could still consider the request.

Dr. Berry asked Ms. Frush if all the requirements of the consent order were met. Ms. Frush stated that all the requirements were met.

Dr. Berry asked why Ms. Cortes had waited over a year to appear. Ms. Frush stated that Ms. Cortes told her that she is not currently working in a pharmacy.

Dr. Berry told the Board Members that they have two choices that they could either approve the request or table the request until the next meeting.

On motion by Mr. Haiber and Mr. McAllister, the Board approved the request by Ms. Cortes to terminate her probation per Board Order 07-0029-PHR.

A roll call vote was taken. (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Milovich – aye, Mr. Haiber – aye, Mr. McAllister – aye, Dr. Berry – aye)

AGENDA ITEM 6 – License Applications Requiring Board Review

#1 Charles Stachowiak

Charles Stachowiak appeared on his own behalf to request to proceed with reciprocity

President Berry opened the discussion by asking Mr. Stachowiak why he was appearing in front of the Board.

Mr. Stachowiak stated that he is requesting to proceed with reciprocity. Mr. Stachowiak stated that he was disciplined in the past by the Florida Board. Mr. Stachowiak stated that he took care of the legal issues, paid his fine, and completed the required CE.

Dr. Berry asked Mr. Stachowiak why he was disciplined by the Florida Board. Mr. Stachowiak stated that he made a mistake and used store gift cards for his own personal use. Mr. Stachowiak stated that he had some financial issues and used several of the cards. Mr. Stachowiak stated that he was charged with a felony. Mr. Stachowiak stated that he is upset and ashamed of what he did. Mr. Stachowiak stated that he is an active member of the local pharmacy association and has several letters of recommendation.

Dr. Berry asked Mr. Stachowiak if his license is currently in good standing in Florida. Mr. Stachowiak replied yes. Mr. Stachowiak stated that when he applied to Louisiana he was placed on probation for one year.

Dr. Berry asked Mr. Stachowiak why he wanted to reciprocate to Arizona. Mr. Stachowiak stated that he may want to work at a mail order facility and he would be able to obtain employment easier if he was licensed in multiple states. Mr. Stachowiak stated that he might retire to Arizona in the future.

Dr. Smidt asked Mr. Stachowiak where he works in Florida. Mr. Stachowiak stated that he works at Bob's Pharmacy which is an independent pharmacy that specializes in diabetic needs.

Dr. Smidt asked Mr. Stachowiak if Bob's Pharmacy fills internet prescriptions. Mr. Stachowiak stated no.

Mr. Stachowiak stated that he might change employment in the future and if he contracts with a agency it is easier to find employment if he holds multiple licenses because he does not have a PharmD degree.

Mr. Stachowiak stated that the NABP paperwork indicated that he was denied a Nebraska license. Mr. Stachowiak stated that his request was denied initially, but his license application was approved at a later date by the Nebraska Board.

On motion by Mr. Van Hassel and seconded by Mr. McAllister, the Board agreed to allow Mr. Stachowiak to proceed with reciprocity. There was one nay vote by Dr. Smidt.

#2 Stuart Gordon

Stuart Gordon appeared on his own behalf to request to proceed with reciprocity

President Berry opened the discussion by asking Mr. Gordon why he was appearing in front of the Board.

Mr. Gordon stated that he would like to proceed with reciprocity and he had been disciplined by the Florida Board.

Dr. Berry asked how long ago he had been disciplined by the Florida Board. Mr. Gordon stated that the discipline occurred three years ago.

Dr. Berry asked Mr. Gordon to explain why he was disciplined. Mr. Gordon stated that during an inspection of the pharmacy the inspector found outdated vials in the refrigerator and the inspector did not like the way he maintained his CQI (quality assurance) book. Mr. Gordon stated that he paid a fine and completed 10 additional CE units.

Mr. Milovich asked why Florida did not like his CQI book. Mr. Gordon replied that this was a new program and he believed that he followed the guidelines established by Wal-Mart for the CQI book. Mr. Gordon stated that the inspector did not like the book and he was cited because he was the Pharmacist in Charge.

Mr. Milovich asked if the Board looked at the CQI books at other Wal-Mart stores in his state. Mr. Gordon stated that there were additional pharmacists cited.

Dr. Berry asked Mr. Gordon if he plans to move to Arizona. Mr. Gordon replied yes.

Mr. Wand asked Mr. Gordon if he was cited during an annual inspection. Mr. Gordon replied yes.

Mr. Wand asked if the inspector was a pharmacy technician or a pharmacist. Mr. Gordon replied that the inspector was a technician.

On motion by Mr. McAllister and seconded by Mr. Van Hassel, the Board unanimously agreed to allow Mr. Gordon to proceed with reciprocity.

#2 Heather Norris

Heather Norris appeared on her own behalf to request to proceed with pharmacy technician trainee licensure.

President Berry opened the discussion by asking Ms. Norris why she was appearing in front of the Board.

Ms. Norris stated that she would like to be licensed as a pharmacy technician. Ms. Norris stated that after her release she has been working in the Deli at Safeway and would like to work in the pharmacy. Ms. Norris stated that she has been working at Safeway for one year.

Dr. Smidt asked Ms. Norris to give the Board some details about what kind of drug charges that she had in the past. Dr. Smidt noted that he saw several charges for drug paraphernalia.

Ms. Norris stated that she was an addict and she was addicted to meth. Ms. Norris stated that she has learned to deal with her addiction. Ms. Norris stated that she had been charged with having drug paraphernalia. Ms. Norris indicated that she attends AA meetings and is a sponsor to several other individuals.

Dr. Smidt asked Ms. Norris if she was involved in the sale of meth. Ms. Norris replied no.

Dr. Smidt asked Ms. Norris why she served time. Ms. Norris stated that she was on probation and did not have a justifiable address and was sent to prison for 4 and ½ years.

Dr. Smidt asked if Safeway had offered her a position in the pharmacy. Ms. Norris stated that there was an opening in the pharmacy, but that position has been filled. Ms. Norris stated that she could not have applied for that position because she was not licensed. Ms. Norris stated that she wants to be prepared if there is another opening in the pharmacy. Ms. Norris stated that she is currently working in the Deli at the store.

Dr. Berry asked Ms. Norris why chose pharmacy as a career she wanted to pursue. Ms. Norris stated that there would always be jobs in the pharmacy field and a technician job would help her in supporting her children.

Dr. Berry asked if there would be too much temptation in a pharmacy because she would have access to drugs. Ms. Norris stated that she was addicted to methamphetamine and has been clean for 6 years.

Dr. Berry asked Ms. Norris if she completed a drug rehabilitation program. Ms. Norris stated that she attended sessions at Angel Manner and still attends NA meetings about three times a week. Ms. Norris stated that she is a sponsor to other addicts.

Mr. McAllister told Ms. Norris that she must stay involved in her recovery and needs to focus on staying clean.

On motion by Mr. McAllister and seconded by Mr. Milovich, the Board agreed to allow Ms. Norris to proceed with pharmacy technician trainee licensure. There were two nay votes by Mr. Van Hassel and Dr. Berry.

AGENDA ITEM 7 – Reports

Executive Director Report

Budget Issues

Mr. Wand opened the discussion by reviewing the budget figures with the Board Members.

Mr. Wand stated that in addition to the sweep of funds that already occurred in June that the legislature approved another sweep at the end of the fiscal year which would be in June of 2009.

Mr. Wand stated that there are only two ways to increase the operating funds available and that would be to increase fees or cut expenses.

Mr. Wand stated that there could be a cut in salaries. Mr. Wand stated that he had terminated the temporary receptionist due to the budget cuts.

Mr. Wand stated that he would like to retain the full-time attorney due to the fact that the office staff does not have enough time or the expertise to write the consent agreements. Mr. Wand noted that since licensing the technicians there has been a steady increase in the number of consent agreements written.

Mr. Wand stated that there are no funds available for travel reimbursement.

Mr. Wand stated that there are planned meetings to discuss the financial situations of the healthcare boards.

Mr. Wand stated that the proposed fee increase would not take place until November of 2009 and would not help with the Fiscal Year 10 (FY10) budget.

Mr. Wand stated that he did place an article in the newsletter that any fines imposed by the Board go to the State General Fund and do not go to the Pharmacy Board Fund.

Dr. Smidt asked if licensees could renew in advance perhaps for two renewal periods and receive a discount.

Mr. Wand stated that he could ask at the meetings what would be possible because the statutes state that a licensee cannot pay more than 60 days in advance.

Mr. Wand stated that he could ask if the fees could be raised for this renewal period with legislative approval to help raise short term revenue.

Mr. McAllister suggested that the Board could charge a fee for change of Pharmacist in Charge. Mr. McAllister stated that several states charge a fee due to administrative costs that they incur making the change.

Mr. Wand suggested that he would also ask if the Board could charge for license verifications because several states charge for license verifications.

Deputy Director Report

Ms. Frush reviewed the Compliance Officers Activity Report for the month of May with the Board Members. Ms. Frush explained that the numbers are slightly behind the number of inspections completed last year. Ms. Frush explained that there is one less Compliance Officer this year. Ms. Frush reviewed the Drug Inspectors Activity Report for the month of May with the Board Members.

During the month of May 2008, the Compliance Staff issued letters for the following violations:

Controlled Substance Violations

1. Controlled Substance Overage – 7
2. Controlled Substance Shortage – 3
3. Controlled Substance Inventory incomplete – 1
4. Failure to complete annual Controlled Substance Inventory – 1

Documentation Violations

1. Failure to Document Medical Conditions – 1
2. Failure to sign daily log - 3
3. Failure to document counseling - 3
4. Failure to have required technician statements signed – 1

Dispensing Violations

1. Outdated Rx and OTC items in the pharmacy – 1

Pharmacy Violations

1. Allowing technician to work with an expired license – 1
2. Failure to have a technician compounding manual - 1

The following areas were noted on the inspection reports for improvement:

1. Documentation of Counseling
2. Documentation of Maintenance for Automated Counting Devices

The following areas were noted on the inspection reports where pharmacists and technicians are meeting or exceeding standards:

1. Cleanliness of pharmacies

Areas outside the inspection reports that may be of interest:

- 1 The Arizona Newsletters can be found on our website under News and Events.
2. CII prescriptions are valid for 90 days.

Pharmacist Assisting Pharmacists of Arizona (PAPA)

Lisa Yates was present to represent the PAPA program. Ms. Yates stated that there are a total of forty one (41) participants in the PAPA program. Since the last report on March 19, 2008, there have been three (3) new participants that entered the program, one (1) participant completed the program, and one (1) contract that has been terminated.

Ms. Yates stated that PAPA is sponsoring a CE at the convention on Saturday.

Ms. Yates stated that PAPA sponsored three scholarships to the Utah School. Ms. Yates stated that 2 pharmacists and 1 student were offered the scholarships and attended the school.

Ms. Yates thanked that Board for their support of the program and the financial support to the program.

Dr. Berry asked if there were any concerns with any of the participants. Ms. Yates replied that there were no concerns at this time.

AGENDA ITEM 8 – Conferences**Complaint #3431**

President Berry recused herself due to a conflict of interest. Vice President McAllister presided over this conference.

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Anselm Chinyere (Pharmacist), Joe Leyba (Pharmacy Supervisor), and Holly Prieto (Pharmacy Supervisor). The following two technicians were not present for the conference and did not notify the Board: Kellie Ketscher and Joanna Jackson. Ms. Prieto stated that the two technicians no longer work for Walgreens.

Compliance Officer Rich Cieslinski gave a brief overview. Mr. Cieslinski stated that the complainant's prescription for Coreg CR 40 mg was labeled incorrectly. The patient was to take one capsule daily and the prescription label read to take one capsule every 6 hours. The patient contacted the doctor and was told to take one daily. The patient took the medication as prescribed by the doctor. The pharmacist stated that the prescription was badly written by the physician and the prescription was entered incorrectly by the technician. No one in the pharmacy called the doctor to clarify the directions. A DUR warning appeared indicating that the dose was too high, but it is not clear how the pharmacist bypassed the warning. The pharmacy computer indicated that counseling was refused but documentation could not be located indicating that counseling was refused by the patient and which pharmacist had accepted the refusal of counseling.

Mr. Cieslinski stated it is not clear which technician entered the prescription.

Vice President McAllister opened the discussion by asking Mr. Chinyere to address the complaint.

Mr. Chinyere stated that the doctor's office called the pharmacy to see if they were still open because they were sending a patient to the pharmacy that needed a 10 day supply of his medication until he returns to see the doctor in 10 days. Mr. Chinyere stated that the patient brought in the prescription and he filled the prescriptions for a 10 day supply. Mr. Chinyere stated that he missed the fact the technician entered the directions on the Coreg to take every six hours. Mr. Chinyere stated that he did not remember seeing the directions. Mr. Chinyere stated that when the patient contacted him about the error he apologized to the patient. Mr. Chinyere stated that he asked the patient to bring the medication back to the pharmacy so that he could relabel the prescription. Mr. Chinyere stated that per Walgreens policy he gave the patient her money back for the prescription. Mr. Chinyere stated that the patient may believe that they were not counseled because an Intern was at the register cashiering and counseling patients.

Mr. McAllister asked who was counseling the patients. Mr. Chinyere stated that an Intern was performing the counseling function.

Mr. McAllister stated that there were several chances to prevent the error but the pharmacy staff contributed to the error. The technician could not read the prescription, the pharmacist overrode the DUR, and the intern did not know that CR is not given every 6 hours.

Dr. Smidt asked Mr. Chinyere how he could have caught the error. Mr. Chinyere stated that he could have caught the error if he counseled the patient. Mr. Chinyere stated that he should have realized that the prescription was for 10 days and the medication would have only been given once daily for 10 days.

Dr. Smidt asked Mr. Chinyere if he stated that this was a busy store and that may have contributed to the error. Dr. Smidt noted that there were only 283 prescriptions filled that day. Mr. Chinyere stated that they were not that busy that day.

Dr. Smidt asked Mr. Chinyere if he remembered the override. Mr. Chinyere stated that when he is alerted to an override he would override the DUR and talk to the patient. Mr. Chinyere stated that in most cases the patient would tell him that the doctor spoke to them about the interaction. Mr. Chinyere stated that if the patient does not know about the interaction then he would contact the doctor.

Dr. Smidt asked Mr. Chinyere how many times he overrides the DUR. Mr. Chinyere stated that if the patient feels comfortable then he leaves the override as is in the system.

Dr. Smidt told Mr. Chinyere that he is not doing his job if he does not talk to the doctor and the patient about the DURs.

Mr. Leyba stated that Mr. Chinyere did overlook company policy. Mr. Leyba stated that Mr. Chinyere should check with the doctor concerning DURs.

Mr. Milovich asked Mr. Chinyere if he is certain that the intern counseled the patient. Mr. Chinyere stated that he is not sure.

Mr. Milovich asked Mr. Chinyere about how the refusal for counseling was documented. Mr. Chinyere stated at the time of the incident if the patient made eye contact with the pharmacist and stated that they did not want counseled then he would document the refusal.

Mr. Haiber asked Mr. Chinyere how many capsules he dispensed on the Protonix because there is no quantity on the prescription. Mr. Chinyere stated that because the doctor called him and told him that they were issuing a prescription for a 10 day supply he gave the patient 10 days worth of medication.

Mr. Haiber asked Mr. Chinyere if that did not tie back to the Coreg because the amount dispensed was not a 10 day supply. Mr. Chinyere replied no.

Mr. Van Hassel asked Mr. Chinyere what phrase does the technician use when talking to the patient about counseling. Mr. Chinyere stated if the prescription is a new prescription that technician would take the prescription to the consultation window and tell the patient that the pharmacist needs to speak to them about their prescription.

Mr. Van Hassel asked if the technician took the prescription to the consultation window when this error occurred. Mr. Chinyere stated that the process was not exactly the same back then.

Mr. Haiber asked Ms. Prieto if they ever located the counseling sheet for that day. Ms. Prieto stated that the sheets are collected and placed in a storage area and they have not been able to locate the sheet.

Mr. Haiber asked how the sheets are filed. Ms. Prieto stated that they are filed by date.

Ms. Prieto stated that she has made the staff aware of policy and procedures and is making sure that everyone in the pharmacy is compliant.

Mr. McAllister stated that counseling would have prevented the error. Mr. McAllister stated that the error could have been caught at order entry, label verification, counseling, the entering of the days supply, and the DUR override.

Dr. Smidt stated that he felt that the pharmacist should be offered a consent order with a fine. Dr. Smidt stated that he felt that the Board should open a complaint against the permit holder and the pharmacist in charge due to the counseling documentation and the fact that the pharmacist overrides the DUR anticipating that the doctor already talked to the patient.

Mr. Cieslinski stated that on the counseling sheets they may document several days on one sheet and multiple people write the numbers on the sheet.

Mr. Haiber asked if they are currently documenting the counseling for new prescriptions. Ms. Priervo replied yes.

Mr. Haiber asked if the company is looking at automating the process and collecting signatures electronically. Mr. Leyba stated that they did look at documenting counseling at the time of the sale, but they did not have any way to document who performed the counseling.

Mr. Haiber asked if it is possible that a number could not be written on the sheet. Mr. Chinyere replied yes.

Mr. Wand stated that if the Board wanted to consider action against anyone else other than the respondents the Board would need to open a new complaint for consideration at the next meeting.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to offer a consent agreement to Pharmacist, Anselm Chinyere, with the following terms: a fine for \$1,000 for failure to properly verify a prescription and 8 additional hours of CE on prescription errors. If the consent is not signed, the case will proceed to hearing.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to offer a consent agreement to Pharmacy technician trainee, Joanna Jackson, with the following terms: a fine of \$250 for failure to clarify a prescription prior to data entry. Ms. Jackson was involved in a previous error in which she entered the directions of a prescription incorrectly.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to Pharmacy technician, Kellie Ketscher, concerning the need to clarify prescriptions prior to data entry.

Complaint #3509

President Berry recused herself due to a conflict of interest. Vice President McAllister presided over this conference.

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Anil Kadari (Pharmacist) and Michael Brancato (Pharmacy Supervisor).

Compliance Officer Rich Cieslinski gave a brief overview. Mr. Cieslinski stated that the complainant stated that her husbands prescription for Metformin 1000mg was incorrectly filled with Potassium Chloride Tablets 20mg. The complainant stated that she noted that the tablets were different and her husband did not take any of the incorrect medication. The complainant stated that she returned the medication to the pharmacy but no one at the pharmacy could explain how the error occurred. The pharmacist stated that the two products are in an automated dispensing machine (YuYama) but in different compartments. The pharmacist stated that he checked the YuYama cells and did not find any mixed tablets in the metformin bin. The pharmacist stated that he did allow products to be returned to the YuYama cell which goes against company policy. The pharmacist stated that he did not use the scale to verify the drug and did not do a visual check on the completed prescription.

Vice President McAllister asked Mr. Kadari to address the complaint. Mr. Kadari stated that the patient received potassium tablets instead of Metformin tablets. Mr. Kadari stated that the patient returned the medication to the pharmacy and she asked how the error occurred. Mr. Kadari stated that he did agree that a mistake was made and he told the patient that he would have to investigate how the error occurred. Mr. Kadari stated that he gave her the correct medication. The medication was labeled correctly but the wrong medication was in the vial. Mr. Kadari stated that he was the person that overrode the scale.

Mr. Kadari stated that he allowed products to be returned to the YuYama cells against Board and company policy. Mr. Kadari stated that he believes that the medication was not dispensed by YuYama because the YuYama uses only 20 and 40 dram vials and this medication was in a 30 dram vial. Mr. Kadari stated that he no longer returns medication to the YuYama.

Mr. McAllister asked Mr. Kadari about the scale. Mr. Kadari stated that the scale is used to verify the product. Mr. Kadari stated that he does not override the scale because it is a double check of the product. Mr. Kadari stated that he checks the tablets in the YuYama cells weekly.

Mr. Kadari stated that the patient was not counseled because the prescription was a refill.

Mr. McAllister asked Mr. Brancato about the returning of product to the YuYama cells. Mr. Brancato stated that it is company policy not to return product to the automated machine. Mr. Brancato stated that the issue has been addressed at the pharmacy managers meetings. Mr. Brancato stated that if he observes this occurring in the store the

pharmacy staff is instructed on the company's policies concerning the return of medication to the YuYama cells.

Mr. Haiber asked Mr. Kadari if the patient received all the same medication or did he receive mixed tablets. Mr. Kadari stated that the patient received all the same medication.

Mr. Brancato stated that the medication may have been dispensed in a thirty dram vial because the YuYama may have been out of tablets and the prescription was filled manually.

Mr. Haiber asked Mr. Kadari if he was the only pharmacist that worked at the store and if not did the other pharmacists return the medication to the cells. Mr. Kadari stated that there is another pharmacist that works at the store but he was the only one that returned the medication to the cells. Mr. Kadari stated that he returned the medications to the cells when he worked on Sundays.

Mr. Milovich asked if the medication returned to the YuYama left the store. Mr. Kadari stated that the medicine did not leave the store and these were prescriptions that the patient did not pickup from the pharmacy.

Mr. Milovich asked if the potassium that the patient returned was placed back in stock. Mr. Kadari replied no.

Dr. Smidt asked what happens to the medication if it is not returned to the YuYama. Mr. Brancato stated that the product can be used. Mr. Brancato stated that the product is placed on the shelf to be manually counted.

Dr. Smidt asked if the Pharmacist In Charge receives any training prior to accepting the position. Mr. Brancato stated that the pharmacist in charge receives training and the training programs completed are documented.

Mr. Haiber asked what the training covers. Mr. Brancato stated that the program covers all types of training and is specific for pharmacy managers.

Mr. Haiber asked if the company policies are available online for the pharmacy managers. Mr. Brancato replied yes.

Mr. Van Hassel asked Mr. Kadari if he allows other people not to use the scale. Mr. Kadari stated that the scale cannot be used for over the counter products because they do not have a bar code. Mr. Kadari stated that in that case the pharmacist and technician would both check the product.

On motion by Mr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to offer a consent agreement to Pharmacist, Anil Kadari, with the following terms: a fine for \$1,000 for returning product to YuYama, a fine for \$500 for bypassing company policies and 8 additional hours of CE on prescription errors and/or patient safety. If the consent is not signed, the case will proceed to hearing.

Complaint #3510 – Postponement requested until the September meeting

Complaint #3520

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Raghunandan Kalambatti (Pharmacist), Linda Warwick (Pharmacist), Charlie Curtis (Regional Pharmacy Manager) and Debbie Mack (Director of Professional Services).

Compliance Officer Larry Dick gave a brief overview. Mr. Dick stated that the complainant presented a prescription to the pharmacy written for three tablets of Diflucan 150mg. The pharmacy dispensed only two tablets and the complainant was told that the “Computer said that they will only pay for two” and that is all the pharmacist would dispense. The complainant stated that when he spoke with the pharmacy manager the next day and questioned why only two tablets were dispensed he was told “that is what we do”. The complainant stated that he finally did purchase the additional tablet. The pharmacist stated that the prescription was filled in accordance with the patient’s insurance plan and they stated that the patient did not understand that the insurance company can supercede his doctor. The patient stated that if he was not aware that his doctor had prescribed three tablets he would have only taken two-thirds of his medication.

Dr. Berry asked Mr. Kalambatti to address the complaint. Mr. Kalambatti stated that the prescription was dropped off and filled as usual. Mr. Kalambatti stated that during the filling process the prescription was submitted to the insurance company and they would only authorize payment for two tablets. Mr. Kalambatti stated that a comment is entered into the computer screen indicating that only two tablets could be dispensed and the comment can be seen at the check out counter when the prescription is rung up.

Ms. Warwick stated the next morning when the patient called she tried to explain to him that the insurance company would only pay for two tablets and they would try to run the prescription in a few days for the remaining tablet or the patient could see if the doctor could get a prior authorization. Ms. Warwick stated that the patient wanted the medication that day and he came in and paid cash for the remaining tablet.

Ms. Warwick stated that the technicians have been retrained that if there is a discrepancy the customer is given the choice of paying for the rest of the medication or wait for the next available date that the prescription could be submitted for insurance payment.

Dr. Berry asked if they tried to get authorization for the three tablets. Ms. Warwick stated no that they let the customer know and they would fill the prescription on the next available fill date.

Mr. Milovich asked how the customer would be informed that they are not receiving the complete prescription. Ms. Warwick stated that when the prescription is denied by the insurance it comes up on a trouble shoot screen and the order comment appears when the cashier pulls up the screen to sell the prescription.

Dr. Smidt asked if counseling is documented. Mr. Kalambatti stated that the cashier tells the pharmacist that there is a new prescription that requires counseling. Mr. Kalambatti stated that counseling occurs on all new prescriptions.

Mr. Van Hassel asked Ms. Warwick what would have happened if the patient was to take all 3 tablets as one dose. Ms. Warwick stated that a prior authorization would have been required. Ms. Warwick stated that in this case the directions were to take one tablet daily, so in two days they would have tried to run the prescription for the other tablet.

Dr. Berry asked about the statement in the reply that stated that the patient did not understand that the insurance company can supercede the doctor. Ms. Warwick stated that is not correct and is not company policy.

Dr. Smidt asked what the label said in terms of quantity. Ms. Warwick replied that the label stated that 2 tablets were dispensed and there was a partial refill.

Ms. Galindo asked if they attempted to run the additional tablet through the insurance to see if it would be authorized. Ms. Warwick stated no that they did not try because the patient came in the next day and paid cash for the additional tablet.

Ms. Macke stated that the patient should have been offered the option of paying for the additional tablet the day he received the prescription and this communication did not occur.

Mr. Curtis stated that he has been to the store and all personnel have been retrained concerning company policies and procedures.

On motion by Mr. McAllister and seconded by Ms. Galindo, the Board unanimously agreed to dismiss the complaint.

Complaint #3526

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Valerie Silvas (Pharmacist), Kay Buccholz (Pharmacy Technician), Crystal Barrett (Pharmacy Technician), and June Puposar (Pharmacy Supervisor)

Compliance Officer Rich Cieslinski gave a brief overview of the complaint. Mr. Cieslinski stated that the complainant stated that he was given chlorpheniramine 4 mg. instead of Cholestyramine 4 gm. The pharmacist in charge stated that a prescription was phoned to the pharmacy for Cholestyramine 4 gm. The technician believes that she asked the pharmacist for clarification of the drug and then entered the prescription as chlorpheniramine. The prescription was rejected by the insurance company and the pharmacist verified the prescription and placed the prescription on hold. Another technician sold the patient's wife the chlorpheniramine. The error was corrected and the patient did not take any of the incorrect medicine.

President Berry asked Ms. Silvas to address the complaint. Ms. Silvas stated that she would first like to clarify an error that was made. Ms. Silvas stated that it was believed that Ms. Buccolz had entered the prescription, but she did not enter the prescription and had no involvement with the complaint.

Ms. Silvas stated that the prescription information was taken off the voice mail. Ms. Silvas stated that the prescription had a question mark on the prescription because it was not clear if it was for packets or scoops. Ms. Silvas stated that she does not remember the technician bringing the prescription to her for clarification. Ms. Silvas stated that the prescription was entered and placed on hold. Ms. Silvas stated that the patient did not take any of the incorrect medication and in fact the medication never left the store.

Mr. McAllister asked about the fact that the patient stated that multiple errors on his prescriptions have been made at this pharmacy.

Mr. Cieslinski stated that the patient indicated that he was on several medications and he was once given someone else's medication. Mr. Cieslinski stated that the patient also stated that he has had quantity issues.

Mr. McAllister asked Ms. Piposar if this is indicative of the store's quality in filling prescriptions. Ms. Piposar stated that she has reviewed prescription errors at the store for wrong patient and wrong medications. Ms. Piposar stated that she has addressed the issues with the staff at the store. Ms. Piposar stated that the technicians must ask each patient for their name, date of birth, and address. Ms. Piposar stated that since last October there have been no prescription errors.

Ms. Silvas stated that they do not take errors lightly. Ms. Silvas stated that the complainant stated they blamed the errors on the doctor. Ms. Silvas stated that she would never make a comment to a patient that an error was the doctor's fault.

Ms. Piposar stated that she has not had any negative feedback from the store managers concerning the pharmacy staff and their treatment of their customers.

Dr. Smidt asked the technicians what would happen if a patient asked the technicians to direct them to an OTC product. Ms. Bucholz stated that she would show the customer where the product is located and if the patient has any questions she would refer them to the pharmacist to answer their questions.

Dr. Smidt asked Ms. Barrett about giving the OTC product to the complainant's wife. Ms. Barrett stated that she showed the medication to the patient's wife but did not disclose any other information about the medication. Ms. Barrett stated that the product was an OTC product and questions are referred to the pharmacist. Ms. Barrett stated that the patient was not present to be consulted.

Dr. Smidt asked why the product was not labeled with the appropriate directions. Ms. Piposar stated that it is company policy to label and counsel on any OTC product that is entered as a prescription. Ms. Piposar stated that this policy would be followed at this store from here on in.

Ms. Silvas stated that the error would have been caught if counseling had occurred.

Dr. Berry asked Ms. Silvas if there were any interactions with his current medications. Ms. Silvas stated that there were no contraindications with his medications.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to issue an advisory letter to Pharmacist, Valerie Silvas, for failure to verify the prescription correctly.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to issue an advisory letter to Pharmacy Technician, Crystal Barrett, for failure to refer the patient to the pharmacist for consultation before selling the patient an OTC product.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to dismiss the complaint against Pharmacy Technician, Kay Buccholz.

Complaint #3536 – Postponement requested until the September meeting

Complaint #3540

Dr. Berry did not take part in the discussion.

The following individual was present to answer questions from Board Members concerning a complaint: Prakesh Shah (Pharmacist).

Ms. Frush gave an overview of the complaint. Ms. Frush stated that the Board Office had received a letter from a pharmacy district manager indicating that Mr. Shah had refilled prescriptions without authorization.

Vice President McAllister asked Mr. Shah to address the complaint. Mr. Shah stated that he was not aware of the complaint until he received the letter from the Board. Mr. Shah stated that he did not sign the letter. Mr. Shah stated that he worked in a high volume store and he would often refill prescriptions in anticipation of getting the refill authorization.

Pharmacy Supervisor Carter Simpson and Legal Counsel Roger Morris came forth to address the issue. Mr. Simpson stated that Mr. Shah was on medical leave when the paperwork was drawn up and they never met to get his signature. Mr. Simpson stated that he had spoken to the pharmacist earlier in the year concerning his practices.

Mr. Simpson indicated that he looked at the prescriptions listed on the letter and the doctors had not authorized the prescriptions to be refilled. Mr. Simpson stated that the one doctor had moved to Texas and no longer authorized prescriptions for patients in Yuma but there were prescriptions filled by Mr. Shah from this doctor. Mr. Simpson stated that one doctor had his license restricted by the medical board and could not prescribe medications.

Mr. Shah stated that it was never brought to his attention that the one doctor could not prescribe medications.

Mr. Shah stated that if they faxed a prescription to the doctor and the technician brought the paper to him showing that the doctor had not responded yet he would use his professional judgment and fill the prescription after he gave the patient enough for several days. Mr. Shah stated that there was no monetary benefit for him to fill the prescription.

Mr. McAllister recommended that the Board move forth to a hearing.

Mr. Haiber asked Mr. Shah how he gave a few tablets of flonase. Mr. Shah indicated that he would give the whole canister.

Mr. Haiber asked if there were any regulations that would allow Mr. Shah to fill the prescription. Mr. Wand replied no

Dr. Smidt asked if Mr. Shah did not find it unusual to fill a Flonase prescription three times without authorization. Mr. Shah stated that if the technician placed the paper in the doctor call bin and the doctor did not return the call he would fill the prescription if he was not informed that the doctor denied the prescription.

Mr. Shah indicated that he would fill prescriptions for non-controlled maintenance medications because some patients traveled about 50 miles to the pharmacy. Mr. Shah stated that he used his professional judgment in filling the prescription and he filled it with the intention that he would get approval from the doctor.

Mr. Haiber asked Mr. Shah how he extended the prescription. Mr. Shah stated that he would give the patient three or four tablets initially. Mr. Shah stated that if he did not receive a reply then he would fill the prescription based on his professional judgment. Mr. Haiber asked if he filled the whole prescription. Mr. Shah replied yes.

Mr. Haiber asked Mr. Shah how often he filled prescriptions without authorization. Mr. Shah stated not often.

Mr. Haiber asked Mr. Shah to explain what happens if the doctor does not call him back. Mr. Shah stated that if the patient lives outside of town and the doctor is of town and does not respond he would ask the patient if they have another primary care doctor. Mr. Shah stated that if it is a maintenance medication and not controlled, he would fill the prescription based on his professional judgment.

Ms. Beck asked if the Board verified the prescriptions. Ms. Frush replied no.

On motion by Mr. Van Hassel and seconded by Mr. Haiber, the Board unanimously agreed to have a Compliance Officer review the prescription files at the store and to consider the complaint and the additional information at the next Board Meeting.

Complaint #3500

President Berry recused herself due to a conflict of interest. Vice President McAllister presided over this conference.

The following individuals were present to answer questions from Board Members concerning a consumer complaint: Barbara Miller (Pharmacist), Stacy Rider (Pharmacy Technician), and Darren Kennedy (Pharmacy Supervisor). The following technician was not present: Rachel Nortin. Ms. Frush stated that the technician had called her and told her that she would not be able to attend the conference because she was starting a new job on Tuesday.

Compliance Officer Sandra Sutcliffe gave a brief overview of the complaint. Ms. Sutcliffe stated that the complainant's son received Fexofenadine 180 mg instead of 30 mg on a refill. The patient did not take any of the incorrect medication. The pharmacist stated that the pharmacy uses a scale to verify the NDC to insure the drug on the label corresponds to the medication in the bottle. The pharmacist stated that a flag appears on the verification screen if the technician does not use the scale to verify the NDC. The pharmacy records indicate the scale was not overridden. Since the wrong strength was in the bottle, this could only happen if the technician manually punched in the NDC code from the patient leaflet and not the stock bottle, leading the scale to confirm the NDC.

Mr. McAllister asked Ms. Sutcliffe if the prescription was a refill. Ms. Sutcliffe replied yes.

Vice President McAllister asked Ms. Miller to address the complaint. Ms. Miller stated that she is sorry for the error. Ms. Miller stated that when she verifies the product she opens the bottle and looks at the tablets. Ms. Miller stated that both strengths of the tablet are similar in shape and color and the markings are not in ink. Ms. Miller stated that she did not notice the size of the tablet when verifying the prescription. Ms. Miller stated that she now uses a magnifying glass to verify the numbers if there is no ink markings on the tablet.

Ms. Miller stated that the technician did not follow the verification procedure because she did not receive a flag indicating that the scale was bypassed, so she assumed the product was correct.

Mr. McAllister asked Ms. Rider if she was the technician that bypassed the verification of the product with the scale. Ms. Rider stated that she forgot to sign off the scale when she moved to another work station and the other technician did not sign on the scale and was using her initials.

Ms. Ryder stated that the 180 mg strength comes from the YuYama and the technician would have had to override the scale to give the incorrect product.

Mr. Van Hassel asked how often a technician would need to punch in the NDC number. Ms. Ryder stated about 5% of the time. Ms. Ryder stated that the number would need to

be punched in if there is no barcode, or there is no barcode on an existing label, or if the product cannot be scanned.

Mr. Van Hassel asked Ms. Miller if she receives a flag indicating that the technician punched in the NDC. Ms. Miller stated that there is no flag and the technician must show her the bottle.

Mr. Haiber asked if it would be beneficial to have another flag indicating that the technician punched in the NDC number. Ms. Miller replied yes.

Mr. Van Hassel asked Ms. Miller about her comment stating that they no longer use the scale to verify the weight of the drug. Ms. Miller stated that they used to use the scale to verify the weight of the drug and the weight would have told her she did not have the correct drug.

Mr. Kennedy stated that they quit using the scale because the manufacturing weights were not accurate and tablets were not counted correctly due to weight. Mr. Kennedy indicated that the air conditioning and people walking past the scales added to the inconsistencies. Mr. Kennedy stated that they now scan the label and the bottle and hand count the medications.

Ms. Miller stated that she has completed 15 hours of CE on medication errors.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to Pharmacist, Babara Miller, for failure to verify the prescription correctly.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to issue an advisory letter to Pharmacy Technician, Stacy Ryder, for failure to follow company policy in regards to logging off the scale.

On motion by Mr. Haiber and seconded by Mr. Milovich, the Board unanimously agreed to reschedule the conference for Rachel Norton to be held at the September Board Meeting.

Complaint #3553 – Postponement requested until the September meeting

AGENDA ITEM 9 – Consent Agreements

President Berry asked Board Members if there were any questions or discussions concerning the consent agreements. Executive Director Hal Wand indicated that the consent agreements have been reviewed and approved by the Attorney General's Office and have been signed.

Mr. Wand stated that Mr. Branson has signed the consent agreement and a contract with Affiliated Monitors Inc. Mr. Wand stated that the Board has not received a copy of the contract from Affiliated Monitors Inc.

On motion by Mr. McAllister and seconded by Dr. Smidt, the Board unanimously agreed to accept the following consent agreements as presented in the meeting book and signed by the respondents.

The consent agreements are listed below. A roll call vote was taken. . (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Milovich-aye, Mr. Haiber –aye, Mr. McAllister – aye, and President Berry –aye).

Djiraj Nukala	08-0047-PHR
Rod Sowers	08-0048-PHR
Thomas Castaneda	08-0049-PHR
David Wamboldt	08-0050-PHR

On motion by Dr. Smidt and seconded by Mr. Van Hassel, the Board unanimously agreed to accept the following consent agreement as presented in the meeting book and signed by the respondent.

Thomas Branson	07-0032-PHR
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A roll call vote was taken. . (Mr. Van Hassel – aye, Ms. Galindo – aye, Dr. Smidt – aye, Mr. Milovich-aye, Mr. Haiber –aye, Mr. McAllister – aye, and President Berry –aye).

AGENDA ITEM 10 – Pharmacy Technician Trainee Requests for Approval to Reapply for Licensure

President Berry addressed this issue. Dr. Berry stated that Mr. Wand has reviewed the requests.

Mr. Wand stated that he has approved the individuals for one additional two year period. Mr. Wand stated that there are some technicians that have applied twice already and can no longer work as a technician because the statutes prohibit them from reapplying past the second two year period.

On motion by Mr. McAllister and seconded by Mr. Haiber, the Board unanimously approved the requests of the Pharmacy Technician Trainees listed below to proceed with the reapplication process. The pharmacy technician trainee may reapply for an additional two years as a pharmacy technician trainee one time.

- | | |
|---------------------|-------------------------|
| 1. Lisa Brody | 35. Denell Laughlin |
| 2. Leyda Ramirez | 36. Derik Whipple |
| 3. Richard Gerardin | 37. Shawn Rahilly |
| 4. Deanna Zaso | 38. Wendy Murrieta |
| 5. Marissa Delgado | 39. Tina Steib |
| 6. Steven Cave | 40. Christopher Bott |
| 7. Eric Davies | 41. Audaine Jones |
| 8. Martha Canizales | 42. Stephanie Meddleton |
| 9. Yolanda Daniels | 43. Shawn Greenberg |
| 10. Angela Beebe | 44. Andriana Hazelton |
| 11. Fadhi Mohamed | 45. Chinky Espinosa |

12. Cindy Coronado
13. Michael West
14. Kathy Waymack
15. Thye-Dung Tran
16. Shannon Sands
17. Lizzie Rodriguez
18. Zanaida Hernandez
19. Todd Carr
20. Kenneth Judd
21. Michael Leija
22. Brandon DeBriun
23. Sylvia Madero
24. Maria Conforti
25. Christopher Basco
26. Annmae Javier
27. Jeri Frederick
28. Robert Bresse
29. Kyle Warnock
30. Janessa Cobb
31. Ashley Ramsey
32. Tiffany Osorio
33. Yvonne Gandara
34. Aaron McNally

46. Jessica Davis
47. Leslie Tosh
48. Kathy Huerta
49. Brittany Winkler
50. Carolyn Ruiz
51. Melissa Cleveland
52. Johanna Lopez
53. Christopher French
54. Heather Nance
55. Efren Chavez
56. Alirita Reid
57. Ana Perez Mendoza
58. Deborah Steele
59. Christopher Vega
60. Robert Rodriguez
61. Jennifer Teuber
62. Heather Marrow
63. Bobbie Reyes
64. Vicky San Felipe

AGENDA ITEM 11 – Proposed Rules

Rules Writer Dean Wright opened the discussion by stating that all the rule packages are for Notices of Final Rulemaking. Mr. Wright gave a brief overview of each rule package.

Impaired Licensees Rule

Rules Writer Dean Wright opened the discussion by stating that a Notice of Proposed Rulemaking was published on April 18, 2008. A public hearing was held on May 19, 2008. Mr. Wright stated that Janet Elliott representing the Arizona Community Pharmacy Committee attended the hearing and provided written comments voicing the committee's support of the rulemaking. Mr. Wright stated that if the Board approves the Notice of Final Rulemaking and the Economic Impact Statement, the rulemaking would be placed on GRRC's September agenda for final approval and would become effective on November 8, 2008.

Drug Therapy Management Rules

Rules Writer Dean Wright opened the discussion by stating that a Notice of Proposed Rulemaking was published on May 2, 2008. A public hearing was held on June 9, 2008. Mr. Wright stated that no one attended the hearing and no comments were received. The rulemaking record was closed at 5:00 P.M. on June 9, 2008. Mr. Wright stated that if the Board approves the Notice of Final Rulemaking and the Economic Impact Statement, the rulemaking would be placed on GRRC's September agenda for final approval and would become effective on November 8, 2008.

RPh Licensure/Intern Preceptor/ Rx Requirements Rules

Rules Writer Dean Wright opened the discussion by stating that a Notice of Proposed Rulemaking was published on May 2, 2008. A public hearing was held on June 9, 2008. Mr. Wright stated that no one attended the hearing and no comments were received. The rulemaking record was closed at 5:00 P.M. on June 9, 2008. Mr. Wright stated that if the Board approves the Notice of Final Rulemaking and the Economic Impact Statement, the rulemaking would be placed on GRRC's September agenda for final approval and would become effective on November 8, 2008.

Intern Pictures and Recordkeeping Rules

Rules Writer Dean Wright opened the discussion by stating that a Notice of Proposed Rulemaking was published on May 2, 2008. A public hearing was held on June 9, 2008. Mr. Wright stated that Janet Elliott representing the Arizona Community Pharmacy Committee attended the public hearing. Ms. Elliott provided written comment from the Arizona Community Pharmacy Committee voicing support for the rulemaking. No other comments were received. The rulemaking was closed at 5:00 P.M. on June 9, 2008. Mr. Wright stated that if the Board approves the Notice of Final Rulemaking and the Economic Impact Statement, the rulemaking would be placed on GRRC's September agenda for final approval and would become effective on November 8, 2008.

Mechanical Storage and Counting Device Rule

Rules Writer Dean Wright opened the discussion by stating that a Notice of Proposed Rulemaking was published on May 2, 2008. A public hearing was held on June 9, 2008. Mr. Wright stated that Janet Elliott representing the Arizona Community Pharmacy Committee attended the public hearing. Ms. Elliott provided written comment from the Arizona Community Pharmacy Committee voicing support for the rulemaking. No other comments were received. The rulemaking was closed at 5:00 P.M. on June 9, 2008. Mr. Wright stated that if the Board approves the Notice of Final Rulemaking and the Economic Impact Statement, the rulemaking would be placed on GRRC's September agenda for final approval and would become effective on November 8, 2008.

On motion by Dr. Smidt and Mr. Van Hassel, the Board unanimously agreed to accept the Notice of Final Rulemaking and Economic Impact Statements as listed in the Administrative Code for the following rules:

Impaired Licensees Rule

Drug Therapy Management Rules

RPh Licensure/Intern Preceptor/Rx Requirements Rules

Intern Pictures and Recordkeeping Rules

Mechanical Storage and Counting Device Rule

AGENDA ITEM 12 – Todd Voss – Case #08-0046-PHR – Review and possible action regarding the request by Todd Voss for the Board to reconsider the Board’s decision concerning the disciplinary action imposed as a result of a consumer complaint

President Berry asked Mr. Wand to address this item. Mr. Wand stated that he received two letters concerning the Board’s proposed disciplinary action against Mr. Voss. Mr. Wand stated that both letters are in the meeting book. Mr. Wand stated that the first letter was from the complainant asking the Board to rescind the fine imposed in the consent order. Mr. Wand stated that the second letter was from Mr. Voss requesting that the Board either dismiss the complaint or issue him an advisory letter.

Mr. Wand stated that Ms. Beck informed him that the complainant is not a party that has a say in the Board’s decision.

Mr. Wand stated that the respondent has the option to sign the consent and if it is not signed the Board could move to a hearing.

Mr. McAllister stated that he feels that the Board evaluated the complaint at the time of the complaint review and does not feel the Board should reconsider their decision.

Ms. Beck stated that the Board could deny the request.

On motion by Mr. McAllister and Mr. Van Hassel, the Board unanimously agreed to deny the request by Mr. Voss to reconsider the disciplinary action imposed by the Board and to notify Mr. Voss that if does not sign the consent within 10 days the case would proceed to hearing.

AGENDA ITEM 13 – Richard Mullins – Complaint #3537 – Review of evaluator’s analysis and possible Board action based on the evaluator’s recommendations

President Berry asked Mr. Wand to address this item. Mr. Wand stated at the last Board meeting the Board asked Mr. Wand to order Mr. Mullins to undergo an evaluation due to allegations in the complaint.

Mr. Wand stated that the Board has a copy of Dr. Lett’s evaluation. Mr. Wand stated that Dr. Lett recommended an extensive outpatient substance abuse treatment program with an aftercare program for at least six months. Mr. Wand stated that Dr. Lett is not familiar with the PAPA program and he feels that the PAPA program would satisfy the recommendations made by Dr. Lett. Mr. Wand stated that it is the Board Member’s decision to determine what further action should be taken.

On motion by Mr. McAllister and Mr. Van Hassel, the Board unanimously agreed to offer Mr. Mullins a consent agreement requiring him to sign a 5-year PAPA contract. If he does not sign the consent, then the case would proceed to hearing.

AGENDA ITEM 14 – Brandon Kendrick – Case #08-0004-PHR – Review of substance abuse counselor’s report and possible action regarding Brandon Kendrick’s active participation in a substance abuse treatment program as required by his consent agreement.

President Berry asked Mr. Wand to address this item.

Mr. Wand stated that Mr. Kendrick is a technician participating in the TASC substance abuse program in Lake Havasu City. Mr. Wand stated that the Board received a letter from Mr. Kendrick’s substance abuse counselor concerning the fact that Mr. Kendrick has not attended all the required counseling sessions. Mr. Kendrick sent a response indicating that he does take the recovery process seriously and did not understand that rescheduling the sessions would impact negatively on his commitment to the program.

Mr. Wand stated that Mr. Kendrick has had difficulty with scheduling the meeting and feels that he is on track to being successful in his recovery program.

Mr. Wand stated that the Board could wait and see if the next quarterly report improves and if not then the Board could take action at that time.

On motion by Mr. Van Hassel and seconded by Dr. Smidt, the Board unanimously agreed to not take any action against Mr. Kendrick at this time and wait to see if the second quarterly report from the substance abuse counselor shows improvement by Mr. Kendrick in attendance at his counseling sessions.

AGENDA ITEM 15- Review and Discussion of other State’s Regulations Regarding Technicians Checking Other Technician’s Work in the Hospital Environment

President Berry asked Mr. Wand to address this item.

Mr. Wand stated that it has been brought to his attention that there are several states that allow technicians to check the work of other technicians.

Mr. Wand stated that it is possible that technicians could check other technicians when refilling automated machines or when filling in house unit dose carts. Mr. Wand stated that he feels more research needs to be done and the Board could address the issue at a later meeting.

Mr. McAllister and Mr. Van Hassel stated that they felt it was overdue. Mr. Van Hassel stated that the pharmacist should focus on order entry and clinical activities. Mr. Van Hassel stated that he would like to ensure that the responsibility of training is not relinquished in the process and rules should be written to show what activities a technician can perform and how the checking is to be done between the two technicians.

Mr. Wand stated that they may also want to consider the level of education of the technician. Mr. Wand stated that they may want to consider allowing only certified technicians to participate in the checking process and possibly may want to require a degree.

The Board asked Richard Mazzoni to address the Board. Mr. Mazzoni was a member of the California Board of Pharmacy when they passed their regulations allowing technicians to check the work of other technicians.

Mr. Mazzoni stated that the Board should be able to obtain a copy of the demonstration study that was conducted before the laws were passed. Mr. Mazzoni stated that the study participants kept accuracy data.

Dr. Berry asked if the Board would consider allowing the practice to occur within closed door pharmacies.

Mr. Wand stated that the item could be placed on an agenda after September for further discussion. The Board Members agreed.

AGENDA ITEM 17 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

Bereket Gebre- Egziabher, a pharmacist, came forth to read a letter that he had written to the Board Members concerning his case that had occurred in 2004.

Robert Purتمان, a pharmacist, came forth and asked the Board to consider passing legislation that would require doctor's working in a hospital to stamp their names on the prescription blank because their handwriting is bad and the pharmacy is unable to identify the doctor if they have a question concerning the prescription.

The meeting recessed for the day at 3:45 P.M.

AGENDA ITEM 1 – Call to Order – July 10, 2008

President Berry convened the meeting at 9:00 A.M. and welcomed the audience to the meeting.

The following Board Members were present: Tom Van Hassel. The following Board Members participated via telephone: President Zina Berry, Steve Haiber, Dan Milovich, and Ridge Smidt. The following Board Members were not present: Joanne Galindo, Louanne Honeyestewa, Dennis McAllister, and Paul Sypherd. The following staff members were present: Compliance Officers Rich Cieslinski, Larry Dick, and Dean Wright, Deputy Director Cheryl Frush, Executive Director Hal Wand, and Assistant Attorney General Nancy Beck.

AGENDA ITEM 16 – Hearings and Motions to Deem

#1 Barney Dotson

President Berry opened the discussion by stating this is the time and place for consideration of the State's Motion to Deem Allegations of the Complaint and Notice of Hearing Admitted. The matter was set for formal hearing at this date and time. The Attorney for the State has filed the current motion before us today.

President Berry asked if Mr. Dotson was present. Mr. Dotson was not present.

President Berry asked if the Assistant Attorney General would like to make any comments.

Ms. Beck stated that she did not have any comments.

President Berry asked if the Board would like to make a Motion granting or denying the State's motion to Deem Allegations Admitted.

On motion by Mr. Van Hassel and seconded by Mr. Milovich, the Board unanimously agreed to grant the State's Motion to Deem Allegations Admitted

President Berry asked if the Assistant Attorney General has any comments or recommendations as to the appropriate discipline to be imposed.

Ms. Beck stated that she does not have a recommendation and it is the Board's discretion to impose a discipline that they feel appropriate.

President Berry stated that the Board would now deliberate on the appropriate discipline to be imposed.

On motion by Dr. Haiber and seconded by Mr. Van Hassel, the Board unanimously agreed to revoke Pharmacist License S010225 issued to Barney Dotson. A roll call vote was taken. (Mr.Van Hassel – aye, Dr. Smidt –aye, Mr. Milovich- aye, Mr. Haiber – aye, and President Berry- aye)

AGENDA ITEM 17 – Call to the Public

President Berry announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

No one came forth.

AGENDA ITEM 18 – Discussion of items to placed on a future meeting agenda

President Berry asked if the Board Members had any other items that they would like placed on the agenda for a future meeting.

Dr. Berry stated that the mail order disposition of returned packages and the technician check technician items would be placed on a future agenda.

There were no other items to be placed on a future agenda.

AGENDA ITEM 19 – Adjournment

There being no further business to come before the Board, **on motion by Mr. Van Hassel and seconded by Mr. Milovich**, the Board unanimously agreed to adjourn the meeting at 9:15 A.M.